

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 6, 2003 - 7:00 P.M.**

**A. CALL TO ORDER**

Mayor Rodney G. Nauert called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:07 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Owsley gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Bradi D. Diaz  
Ray Don Clayton  
John F. Gallen  
Charlotte Heinze  
Fred Harris  
Bud Owsley  
Annabelle Smith

Steven J. Alexander, City Manager  
Pamela J. Russell, City Secretary  
James R. Thompson, Interim City Attorney

**D. ANNOUNCEMENTS**

Council Member Smith

- Taste of Cove will be held on May 13<sup>th</sup> at the Civic Center. "Remembering the Rabbit Fest" – Festival of Five Hills, May 15<sup>th</sup> thru May 18<sup>th</sup>. There will be a lot of good activity, come out and show your support!

Council Member Owsley

- The City employees are doing a tremendous job, we have an excellent group of employees working for us, and we should thank them for it.

Council Member Heinze

- Thanks to CHAMPS for the program at Lea Ledger on Monday, May 5<sup>th</sup>. The performance was very nice.

Council Member Gallen

- Thanks to voters who participated in the City General and Special Elections.
- Crime Stoppers will be selling donuts on May 17<sup>th</sup> at the Festival of Five Hills to raise funds.

Council Member Clayton

- Thanks to the voters who took the time to go to the polls.

Mayor Pro Tem Diaz

- Military Spouse Appreciation Day will be celebrated on Fort Hood from 9 a.m. until 3 p.m. on May 9<sup>th</sup>. It will be a fun filled day of activities.

Steven J. Alexander, City Manager

- The Solid Waste Department is now selling plastic kraft bags at 26 cents per bag. The customer will now have a choice of either paper or plastic. The bags can be purchased from the Central Fire Station, Solid Waste Facility or Utility Collections.

Pamela Russell, City Secretary

- I wish to thank Mary Howell, Election Judge, Janie French, Deputy Election Judge and all of the Election Clerks that worked so hard over the City Elections, both during Early Voting and on Election Day. I appreciate your efforts for a job well done. Thank you.

## **E. PUBLIC RECOGNITION**

1. City of Copperas Cove Employee Retirement Recognition – Kathryn Stephenson, Assistant Library Director.

Mayor Nauert presented Kathryn Stephenson with a framed art work of a Texas print. Mayor Nauert expressed thanks and good wishes for the future to Kathryn and her husband, Fred. Kathryn Stephenson said it has been a privilege to work at the Library, and commented "If you are not using our library, you should go and visit, and take advantage of our wonderful facility. Thank you".

2. Proclamation – Eagle Scout Bruce Joseph Wardlow Day.

Mayor Nauert read the proclamation and presented it to Eagle Scout Bruce Joseph Wardlow, and commented that this was a great accomplishment. Bruce Wardlow said a thank you to everyone and said achieving the Eagle Scout badge had been his dream, and would like to encourage others to follow his path. The BSA Troop 222 Scout Master said Bruce Wardlow was the most dependable and responsible young man he has had the honor to know.

3. Proclamation – Law Enforcement Torch Run Day for Special Olympics Texas.

Mayor Nauert read the proclamation and presented it to Sgt. Butch Ronne. Sgt. Ronne thanked everyone for their support. He commented that the Opening Games were held last Friday, and everything had gone very well. Sgt. Ronne announced that the torch run will take place on May 20, 2003.

4. Proclamation – Police Week – Peace Officer's Memorial Day.

Mayor Nauert read the proclamation and presented it to Lt. Danny Austin. Lt. Austin thanked City Council, and citizens, and said he appreciated the support from the City Council. Lt. Austin announced that every May 15<sup>th</sup> we (the Police Department) take the time to reflect on our fallen or disabled police officers. Lt. Austin said it takes all of us to

make a safe community. Lt. Austin also stated that on May 15<sup>th</sup> flags are to be displayed at half staff.

- F. CITIZEN'S FORUM** citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Donald L. Hollingsworth, Sr. - 503 Atkinson Avenue. Mr. Hollingsworth stated in the last three months he has lost all confidence in this City. Mr. Hollingsworth stated complaints he had regarding trash collection, and expressed concerns regarding some of the Solid Waste Department drivers.

Steven Alexander, City Manager, asked Mr. Hollingsworth to speak to him after the meeting to address his concerns.

Ted Dickey – FM 7931, Gatesville. Mr. Dickey stated he had received a speeding ticket in Copperas Cove. Mr. Dickey was frustrated with the amount of time it had taken Mr. Thompson to provide him with evidence; that he had requested in writing. Mr. Dickey stated he was concerned over Mr. Thompson's action or lack of action.

James Thompson, Interim City Attorney, stated "I do not believe this is the proper forum to discuss this issue".

Diane Steele - 905 N. 4<sup>th</sup> Street. Complained that the City does not need a multi-million dollar recreational facility that would be funded jointly by the City and CCISD. Mrs. Steele complimented the Code Enforcement staff of two for their hard work. Mrs. Steele also commented that families could not afford to live in this City.

Amelia Norman - 9 Cactus Drive. Ms. Norman stated her concerns over the crime incidents that have taken place within the City. Ms. Norman said she had been a resident of Copperas Cove for over two years, and was ashamed that the community does not get involved, and thought more residents should attend the City Council meetings. Ms. Norman stated "a recreation center would be a good place for the kids, we need someplace for the kids to go on the south side of town".

**G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from April 15, 2003 Regular City Council Meeting. **Pamela J. Russell, City Secretary**

2. Consideration and action on authorizing the City Manager to execute a contract with McLean Construction, LTD. for the construction of the Grimes Crossing Water Line Project, Bid No. 2003-03-82, in the amount of \$361,404.00. **Paul M. Boyer, P.E., City Engineer**

3. Consideration and action on authorizing the City Manager to execute a contract with J. L. Construction, Inc. for the construction of The Ogletree Gap Pavilion, City Bid No. 2003-15-54, in the amount of \$269,500.00. **Paul M. Boyer, P.E., City Engineer**

4. Consideration and action on authorizing the City Manager to enter into a professional engineering services contract with Mitchell & Associates, Inc., in the amount of \$29,000 to prepare plans and specifications for drainage improvements on Georgetown Road. **Paul M. Boyer, P.E., City Engineer**

5. Consideration and action on approval of the City's Inter-fund Transfer Policy. **Robert Camareno, Assistant City Manager/Director of Finance**

Council Member Owsley requested item # G-3 to be pulled from the consent agenda, to allow for discussion. Council Member Harris requested item # G-4 to be pulled from the consent agenda to allow for discussion.

Council Member Gallen made a motion to approve consent items # 1, 2, and 5. Council Member Clayton seconded the motion and with a unanimous vote, motion carried.

3. Consideration and action on authorizing the City Manager to execute a contract with J. L. Construction, Inc. for the construction of The Ogletree Gap Pavilion, City Bid No. 2003-15-54, in the amount of \$269,500.00. **Paul M. Boyer, P.E., City Engineer**

Council Member Smith made a motion to approve item # G-3. Council Member Gallen seconded the motion.

Council Member Owsley requested additional information from the Ogletree Pavilion Committee. Council Member Smith, Ogletree Committee Member, gave an overview of the proposed facility, and explained the financial impact associated with the construction. Steven Alexander, City Manager added that the preparation of the land is expensive, but this facility will be something the City will be proud of. He added that this is a quality item that will be visible and useful to everyone in Copperas Cove. It is an attractive well built made to last item. Council Member Gallen clarified that the money to fund this project had already been appropriated, and the goal was to enhance the Ogletree Gap area.

With a unanimous vote, motion carried.

4. Consideration and action on authorizing the City Manager to enter into a professional engineering services contract with Mitchell & Associates, Inc., in the amount of \$29,000 to prepare plans and specifications for drainage improvements on Georgetown Road. **Paul M. Boyer, P.E., City Engineer**

Mayor Pro Tem Diaz made a motion to approve item # G4. Council Member Smith seconded the motion.

Paul Boyer, City Engineer gave an overview of the drainage improvements planned.

With a unanimous vote, motion carried.

## H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on the final plat of Christian House of Prayer Addition.  
**David Lilley, City Planner/Chief Building Official**

David Lilley, City Planner/ Chief Building Official gave an overview of the final plat of the Christian House of Prayer Addition.

Speaking For:

Mike Kreagle - Mitchell and Associates, Killeen.  
Steven Hicks - Executive Director, New National Go-Cart Association.  
Joe Walker – Project Manager for C.H.O.P. on this project.  
Jay DeWitt – General Contract Manager/Owner  
Sterling Thompson – Architect for the project  
Jack Jones – Attorney, representing C.H.O.P. for the project.  
Alison Tedder – Youth Camp Director, C.H.O.P.

Speaking Against:  
None.

1b. Consideration and action on the final plat of Christian House of Prayer Addition. **David Lilley, City Planner/Chief Building Official**

Council Member Clayton made a motion to approve the item as presented. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

Council Member Owsley commented on what a great job the Christian House of Prayer was doing.

2a. Public Hearing on Ordinance No. 2003-10 changing the zoning designation on Lot 1, Block 1, Christian House of Prayer Addition from R-1 Single Family to R-1 Single Family with dormitories and a go cart track and including other uses allowed in the R-1 Single Family Zone. **David Lilley, City Planner/Chief Building Official**

David Lilley, City Planner/Chief Building Official gave an overview of Ordinance No. 2003-10.

Speaking For:

Mike Kreagle - Mitchell and Associates, Killeen.  
Steven Hicks - Executive Director, New National Go-Cart Association.  
Joe Walker – Project Manager for C.H.O.P. on this project.  
Jay DeWitt – General Contract Manager/Owner  
Sterling Thompson – Architect for the project  
Jack Jones – Attorney, representing C.H.O.P. for the project.  
Alison Tedder – Youth Camp Director, C.H.O.P.  
Diane Steele – 905 N. 4<sup>th</sup> Street.

Council Member Heinze asked who would be allowed to use the facility. Joe Walker Project Manager responded that only members of the Youth camp would be authorized to use the facility.

Speaking Against:

Desiree Clark – Ash Street

2b. Consideration and action on Ordinance No. 2003-10 changing the zoning designation on Lot 1, Block 1, Christian House of Prayer Addition from R-1 Single Family to R-1 Single Family with dormitories and a go cart track and including other uses allowed in the R-1 Single Family Zone. **David Lilley, City Planner/Chief Building Official**

Council Member Gallen made a motion to approve Ordinance No. 2003-10. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

#### **ORDINANCE NO. 2003-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING A ZONING CHANGE BY REZONING 39.55 ACRES, BEING LOT 1, BLOCK 1, CHRISTIAN HOUSE OF PRAYER ADDITION, RESIDENTIALLY ZONED CHURCH PROPERTY, ALSO KNOWN AS 916 WEST HIGHWAY 190, COPPERAS COVE, FROM R-1 SINGLE FAMILY, TO R-1 SINGLE FAMILY WITH A CONDITIONAL USE PERMIT TO OPERATE A CHURCH CAMP WITH DORMITORIES AND A GO CART TRACK AND INCLUDING OTHER USES ALLOWED IN THE R-1 SINGLE FAMILY ZONE, IN CONJUNCTION WITH THE CHURCH.**

#### **I. ACTION ITEMS**

1. Consideration and action on Resolution No. 2003-12 – canvassing returns and declaring the results of a General Election for positions Mayor, Council Member Position 1, and Council Member Position 2. **Pamela J. Russell, City Secretary**

Mary Howell, Election Judge thanked Pamela Russell, City Secretary, Angelia Briggs, and all of the election workers for a successful election. Mary Howell announced the results of the General Election. Council Member Owsley made a motion to approve Resolution No. 2003-12. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption and results of the general election are as follows:

#### **RESOLUTION NO. 2003-12**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A**

**GENERAL ELECTION FOR THE ELECTION OF MAYOR AND COUNCIL MEMBER POSITIONS 1 & 2.**

**WHEREAS**, after careful consideration of the returns of the City election held on the 3rd day of May, 2003, for the purpose of electing the hereinafter named and it appearing from said returns, duly and legally made, that there were cast at said election by **819** valid and legal voters; that each of the candidates in said election received the following votes:

Mayor

Rodney G. Nauert

Early Voting	<b>339</b>	Election Day	<b>330</b>	Total Votes	<b>669</b>
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City Council Position 1

Bradi D. Diaz

Early Voting	<b>320</b>	Election Day	<b>308</b>	Total Votes	<b>628</b>
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City Council Position 2

Ray Don Clayton

Early Voting	<b>232</b>	Election Day	<b>229</b>	Total Votes	<b>461</b>
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Roger "ODie" O'Dwyer

Early Voting	<b>152</b>	Election Day	<b>158</b>	Total Votes	<b>310</b>
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It is further found and determined that the results of the election as canvassed and tabulated in the preamble reflect the votes cast at the election; and

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL:**

That in accordance with the returns, the City Council declares the following person(s) to be elected and authorized to qualify for the office indicated for a three-year term beginning May 20, 2003.

<b>Rodney G. Nauert</b>	Mayor
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<b>Bradi D. Diaz</b>	Council Member Position 1
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<b>Ray Don Clayton</b>	Council Member Position 2
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2. Consideration and action on Ordinance No. 2003-09 – canvassing returns and declaring the results of a Special Election for proposed amendments to the Charter of the City of Copperas Cove. ***Pamela J. Russell, City Secretary***

Mary Howell, Election Judge announced the results of the Special Election. All five propositions listed on the ballot at the May 3, 2003 Election were approved by the voters. Council Member Gallen made a motion to approve Ordinance No. 2003-09. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

The Ordinance Caption and Results of the Special Election are as follows:

#### **ORDINANCE NO. 2003-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS DECLARING THE RESULTS AND CANVASSING THE RETURNS OF A SPECIAL ELECTION HELD WITHIN SAID CITY ON MAY 3, 2003, AND CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSES HEREOF; AND DECLARING AN EFFECTIVE DATE.**

Votes Cast. It is further officially found and determined that the following votes were cast at said election on the submitted propositions by the resident qualified electors of the City who voted at said election by **819** valid and legal voters:

#### **PROPOSITION NO. 1**

City Secretary

Article II, Section 2.12, of the City Charter,-Delete the requirement that the City Secretary not be recommended by the City Manager, and provide that any adjustments to the salary, the compensation package or employment status of the City Secretary will be approved by the City Council. Shall the above described amendment be adopted?

EARLY VOTING      FOR 305      AGAINST 94

ELECTION DAY      FOR 299      AGAINST 98

TOTAL VOTES      FOR 604      AGAINST 192

#### **PROPOSITION NO. 2**

City Manager

Article IV, Section 4.01(8), of the City Charter- Delete the requirement that any adjustments to salary, compensation package or employment status of the City Secretary, City Attorney or Municipal Judge will be accomplished by the City Council in an open session. Shall the above described amendment be adopted?

EARLY VOTING      FOR 258      AGAINST 139



ELECTION DAY      FOR 227              AGAINST 168

TOTAL VOTES      FOR 485              AGAINST 307

**PROPOSITION NO. 3**

City Attorney

Article V, Section 5.01, of the City Charter-Delete the requirements that the City Attorney shall appear in any court only on behalf of the City or on his/her own behalf, and the City Attorney shall conduct no private law practice, and the City Council and Mayor shall evaluate the City Attorney in accordance with the City's personnel policies manual. Shall the above described amendments be adopted?

EARLY VOTING      FOR 249              AGAINST 147

ELECTION DAY      FOR 251              AGAINST 144

TOTAL VOTES      FOR 500              AGAINST 291

**PROPOSITION NO. 4**

Municipal Judge

Article V, Section 5.03, of the City Charter-Delete the requirement that the City Council and Mayor shall evaluate the Municipal Judge in accordance with the City's personnel policies manual. Shall the above amendment be adopted?

EARLY VOTING      FOR 225              AGAINST 170

ELECTION DAY      FOR 183              AGAINST 207

TOTAL VOTES      FOR 408              AGAINST 377

**PROPOSITION NO. 5**

Sale of City Property

Article VIII, Section 8.06, of the City Charter- Clarify that personal property shall be disposed of according to ordinance. Shall the above amendment be adopted?

EARLY VOTING      FOR 316              AGAINST 77

ELECTION DAY      FOR 325              AGAINST 67

TOTAL VOTES      FOR 641              AGAINST 144

Charter Amendments Authorized As a result of said election, and in conformity with law, this City Council is authorized to amend the Home Rule Charter to reflect the provisions

of the propositions receiving a favorable vote of a majority of the resident, qualified voters participating in the Election.

Mayor Nauert thanked Mary Howell for serving the City and community as Election Judge.

3. Consideration and action on approval of Resolution No. 2003-13 supporting improvements to Interstate Highway 35 within Bell, Falls, and McLennan counties. **Steven J. Alexander, City Manager**

Council Member Owsley made a motion to approve Resolution No. 2003-13. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

#### **RESOLUTION NO. 2003-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE SUPPORTING A JOINT PETITION TO THE TEXAS TRANSPORTATION COMMISSION ON BEHALF OF THE KILLEEN-TEMPLE URBAN TRANSPORTATION STUDY AND THE WACO URBAN TRANSPORTATION STUDY.**

**J. STAFF REPORTS** – None.

**K. REPORTS OF ADVISORY COMMITTEES AND BOARDS**

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Harris – Requested the Annexation Committee be reactivated.

**Mayor Nauert closed the regular session at 8:40 p.m.**

Council Member Charlotte Heinze left the City Council Meeting at 8:40 p.m.

**M. EXECUTIVE SESSION**

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of the City Manager.

**N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION**

Mayor Nauert reopened the Open Session of the meeting at 9:36 p.m. Mayor Nauert announced that agenda item M1 was for information purposes only, and no action would be taken.

**O. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:37 p.m.

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Rodney G. Nauert, Mayor

ATTEST:

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Pamela J. Russell, TRMC, City Secretary